

**EDUCATION DEPARTMENT[281]**

**Adopted and Filed**

**Rule making related to senior year plus program**

The State Board of Education hereby amends Chapter 22, “Senior Year Plus Program,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 256.7(5).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, 2020 Iowa Acts, Senate File 2310, and 2021 Iowa Acts, House File 308.

*Purpose and Summary*

Item 1 amends the student eligibility requirements to reflect 2021 Iowa Acts, House File 308. Item 2 strikes an obsolete reference to Iowa Learning Online. Item 3 strikes an obsolete requirement related to the Summer College Credit Program.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 2, 2021, as **ARC 5661C**. A public hearing was held on June 22, 2021, at 8 a.m. in the ICN Room, Second Floor, Grimes State Office Building, Des Moines, Iowa, with a videoconference option. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the State Board on August 5, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on September 29, 2021.

The following rule-making actions are adopted:

ITEM 1. Rescind paragraph **22.2(2)“b”** and adopt the following new paragraph in lieu thereof:

*b.* Demonstrated proficiency in reading, mathematics, and science.

(1) The student, except as otherwise provided in this paragraph, shall have demonstrated proficiency in reading, mathematics, and science as evidenced by achievement of any of the following:

1. Demonstrated proficiency in all of the content areas of English language arts, including reading and writing; mathematics; and science, as evidenced by achievement scores on the most recent administration of the statewide assessment for which scores are available for the student. For purposes of this paragraph, starting in the school year beginning July 1, 2021, and each thereafter, the achievement scores from the state assessment administered during the school year beginning July 1, 2019, shall be considered the latest available scores. If the student was absent for the most recent administration of the statewide assessment, and such absence was not excused by the student’s school of enrollment, the student is deemed not to be proficient in any of the content areas.

2. Measures of college readiness jointly agreed upon by the school board and the eligible postsecondary institution that allow a student to demonstrate competency in one or all of the required subject areas. Institutions shall ensure the following:

- The measures of college readiness align to the proficiency levels established for the statewide assessment and reflect the competence of entering first-year students at the postsecondary institution.
- The measures of college readiness are specified in a contract entered into by the participating institutions.

3. Alternative but equivalent qualifying performance measures, if established by the school board. The school board is not required to establish equivalent performance measures, but if it does so, such measures may include but are not limited to additional administrations of the state assessment, portfolios of student work, student performance rubric, or end-of-course assessments.

(2) Measures established under subparagraphs 22.2(1)“b”(2) and 22.2(1)“b”(3) shall apply equally to all eligible students.

(3) A student who attends an accredited nonpublic school and desires to access postsecondary enrollment options shall meet the same eligibility criteria as students in the school district in which the accredited nonpublic school is located.

(4) A student under competent private instruction shall meet the same proficiency standard as students in the school district in which the student is dually enrolled and shall have the approval of the school board in that school district to register for the postsecondary course. In lieu of statewide assessment scores on the state assessment, a school district shall allow a student under competent private instruction to demonstrate proficiency in reading, mathematics, and science by any one of the following means:

1. By meeting the same alternative but equivalent qualifying performance measures established by the local school board for all students in the school district in which the student is dually enrolled;

2. By submitting the written recommendation of the licensed practitioner providing supervision to the student in accordance with Iowa Code section 299A.2;

3. As evidenced by achievement scores on the annual achievement evaluation required under Iowa Code section 299A.4;

4. As evidenced by a composite score of at least 21 on the college readiness assessment administered by ACT, Inc.;

5. As evidenced by a sum of at least 141 in critical reading, mathematics, and writing skills on the preliminary scholastic aptitude test (PSAT) administered by the College Board; or

6. As evidenced by a sum of at least 990 in critical reading and mathematics on the college readiness assessment (SAT) administered by the College Board.

ITEM 2. Amend rule 281—22.28(261E) as follows:

**281—22.28(261E) Internet-based coursework.** The programming in this chapter may be delivered via Internet-based technologies ~~including but not limited to the Iowa learning online program~~. An Internet-based course may qualify for additional supplemental weighting if it meets the requirements of Division IV or Division VI of this chapter. To qualify as a senior year plus course, an Internet-based course must comply with the appropriate provisions of this chapter.

ITEM 3. Amend paragraph **22.33(3)“c”** as follows:

*c. Review of proposals.* The department shall establish a review process to evaluate all program proposals. In reviewing proposals, the department shall give priority consideration to program proposals that will ensure equitable geographic disbursement of approved programs. The department shall also give consideration to additional criteria including number of students served; ~~cost per credit hour offered~~; alignment to in-demand occupations; the inclusion of extracurricular experiences with an emphasis on project-, problem-, and work-based learning opportunities; and the inclusion of provisions that address and remove barriers to participation for nontraditional students, underrepresented minority students, and low-income students.

[Filed 8/5/21, effective 9/29/21]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 8/25/21.